

TTAB



IN THE UNITED STATES PATENT AND TRADEMARK OF
BEFORE THE TRADEMARK TRIAL AND APPEAL BOA

01-13-2003

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #70

La Quinta Worldwide, L.L.C.,	:	Opposition No. 91153782
Opposer,	:	Mark: KSL LA QUINTA NATIONAL GOLF CLUB
v.	:	App. Serial No. 76/016,329
KSL Recreation Corporation,	:	
Applicant.	:	

Motion to Suspend

Applicant hereby moves the Board to suspend the captioned proceeding pending the outcome of another proceeding, stating as follows:

1. The pending mark includes the term "La Quinta" as a significant part of the mark.
2. Applicant has sued La Quinta Corporation and La Quinta Properties, Inc., alleging infringement of Applicant's rights in the mark "La Quinta," in a case currently pending in United States District Court for the Central District of California, Riverside Division. The case caption is EDCV 02-007 RT (SGLx). A copy of the Complaint and the Answer (without exhibits) are included herewith.
3. Applicant does not know precisely how Opposer La Quinta Worldwide, LLC and the defendants La Quinta Corporation and La Quinta Properties, Inc are related. However, the Answer describes Opposer as the "current licensor" of La Quinta Corporation and La Quinta Properties, and includes a counterclaim to cancel three registrations owned by Applicant including the term "La Quinta," purportedly including Opposer as a counterclaimant. Opposer is commonly represented with La Quinta Corporation and La Quinta Properties, Inc. both in this proceeding and in the Central District of California Case.

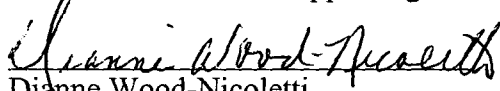
DD 1

4. The Central District of California case will in all likelihood determine Applicant's and Opposer's respective rights in the term "La Quinta."
5. Going forward with this opposition proceeding before the Central District of California case is resolved will waste the resources of the Board and the parties, because this opposition proceeding will be controlled by the California case in any event.
6. The Board generally suspends inter partes proceedings when faced with the present situation: "Ordinarily, the Board will suspend proceedings in the case before it if the final determination of the other proceeding will have a bearing on the issues before the Board." *T.B.M.P.* § 510.02(a). Nothing substantive has happened yet in this proceeding, and the Board should apply its general rule to suspend proceedings.

WHEREFORE, Applicant requests that the Board suspend the captioned opposition proceeding until the Central District of California case is resolved.

Certificate of Mailing and Service

I hereby certify that this document is being mailed (first class with sufficient postage) to the Trademark Trial and Appeal Board, Box No Fee, 2900 Crystal Drive, Arlington, VA 22202-3513, and that a copy is being mailed (first class with sufficient postage) to William D. Raman, Thompson & Knight, L.L.P., 1200 San Jacinto Center, 98 San Jacinto Boulevard, Austin, TX 78701-4081, both on the date appearing below my signature.

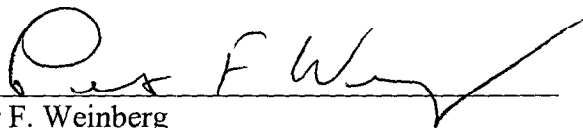


Dianne Wood-Nicoletti

Date: January 8, 2003

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP



Peter F. Weinberg

1801 California Street, Suite 4100

Denver, CO 80202

Telephone: 303-298-5901

Attorney for the Applicant

Enc. Postcard Receipt
Exhibits (Complaint and Answer)

60091522_1.DOC

CC: Kimberly Lynch